

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2718

Introduced by Assembly Member Adams

February 19, 2010

An act to amend Section 14571.2 of, and to add Sections ~~14526.8, 14571.6.5, 14571.6.6, and 14571.6.7~~ *14526.8 and 14571.6.5* to, the Public Resources Code, relating to recycling, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2718, as amended, Adams. Recycling: beverage containers: recycling centers.

(1) Existing law, the California Beverage Container Recycling and Litter Reduction Act (act), requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state to the Division of Recycling in the Department of Resources Recycling and Recovery. The division is required to deposit those amounts in the California Beverage Container Recycling Fund. Existing law defines “convenience zone” for the purposes of the act and requires that every convenience zone is to be served by at least one certified recycling center, with specified operating hours. Existing law imposes specified requirements upon dealers located in a convenience zone that is not served by a recycling center, including that the dealer redeem beverage containers at the dealer’s location when the dealer is open for business.

This bill would define the term “unserved convenience zone” and ~~would require the department to provide assistance and incentives to reduce the number of unserved convenience zones to less than 5% of total convenience zones by January 1, 2012. The bill would exempt, until December 31, 2011, a dealer from the requirement to redeem beverage containers. The bill would make a dealer meeting who is located in an unserved convenience zone and meets certain requirements~~ eligible for the payment of handling fees, thereby making an appropriation.

The bill would permit the division to authorize an operator of a certified recycling center to be open for business less than 30 hours per week, but not less than 20 hours per week, if the recycling center is located in an unserved convenience zone, as defined, that has been unserved for at least 6 continuous months.

(2) Under existing law, the money in the fund is continuously appropriated to the division to pay, among other things, handling fees to provide an incentive for the redemption of empty beverage containers in convenience zones. Existing law prohibits the division from making handling fee payments to more than one certified recycling center in a convenience zone.

~~This bill would permit the division to authorize~~ *make* additional certified recycling centers ~~to be eligible for handling fees and to increase the amount of the handling fee,~~ thereby making an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14526.8 is added to the Public Resources
- 2 Code, to read:
- 3 14526.8. “Unserved convenience zone” means a convenience
- 4 zone where there is not in operation a certified recycling center or
- 5 other location that meets the requirements of subdivision (a) of
- 6 Section 14571, and where the zone is otherwise not exempt
- 7 pursuant to Section 14571.8.
- 8 SEC. 2. Section 14571.2 of the Public Resources Code is
- 9 amended to read:
- 10 14571.2. (a) The department shall continuously assist dealers
- 11 and recyclers to establish certified recycling locations within each
- 12 convenience zone. This assistance includes, but is not limited to,

1 providing information to companies and organizations interested
2 in operating recycling in the convenience zone; providing dealers
3 with names of prospective recyclers for the convenience zone and
4 providing recyclers with the names of dealers in need of a recycler
5 for a convenience zone; providing dealers and recyclers with
6 information on grants, advertising funds, and other resources
7 available; and providing recyclers with advice regarding appearance
8 and image of the recycling center and the efficient handling and
9 transportation of recycled beverage containers.

10 ~~(b) The department shall provide assistance and incentives to~~
11 ~~reduce the number of unserved convenience zones to less than 5~~
12 ~~percent of the total number of convenience zones by January 1,~~
13 ~~2012.~~

14 ~~(c) (1) Notwithstanding Section 14571.6, for any convenience~~
15 ~~zone that was unserved on July 1, 2009, the obligation of dealers~~
16 ~~in that convenience zone to redeem empty beverage containers in~~
17 ~~the store shall be suspended until December 31, 2011.~~

18 ~~(2) Notwithstanding Section 14585, a dealer, located in an~~

19 *(b) Notwithstanding Section 14585, a dealer that is certified by*
20 *the department pursuant to Section 14538 and is located in an*
21 *unserved convenience zone, that chooses to redeem empty beverage*
22 *containers inside the store shall be eligible to receive handling fees*
23 *pursuant to Section 14585 and a processor shall pay refund values,*
24 *administrative costs, and processing payments to the dealer*
25 *pursuant to subdivision (a) of Section 14573.5 in the same manner*
26 *as a recycling center operating in compliance with Section 14571.*

27 SEC. 3. Section 14571.6.5 is added to the Public Resources
28 Code, to read:

29 14571.6.5. (a) Notwithstanding Section 14571, the department
30 may allow the operator of a certified recycling center to be open
31 for business for less than 30 hours per week, but not less than 20
32 hours per week, if the certified recycling center is located in a
33 convenience zone that has been unserved for at least six continuous
34 months, and the convenience zone is identified by the department
35 as an unserved convenience zone.

36 (b) A certified recycling center that is authorized by the
37 department pursuant to subdivision (a) shall be eligible to apply
38 for handling fees pursuant to Section 14585, and a processor shall
39 pay refund values, administrative costs, and processing payments
40 to the certified recycling center pursuant to subdivision (a) of

1 Section 14573.5 in the same manner as to a certified recycling
2 center operating in compliance with Section 14571.

3 ~~SEC. 4. Section 14571.6.6 is added to the Public Resources~~
4 ~~Code, to read:~~

5 ~~14571.6.6. Notwithstanding Sections 14571 and 14585, the~~
6 ~~department may authorize the operator of a certified recycling~~
7 ~~center to be eligible to apply for the payment of handling fees if~~
8 ~~the certified recycling center is located in a convenience zone that~~
9 ~~has been unserved for at least six continuous months, the certified~~
10 ~~recycling center is not located in a supermarket site, and the~~
11 ~~convenience zone in which the certified recycling center is located~~
12 ~~is identified by the department as an unserved convenience zone.~~

13 ~~SEC. 5. Section 14571.6.7 is added to the Public Resources~~
14 ~~Code, to read:~~

15 ~~14571.6.7. Notwithstanding Section 14585, the department~~
16 ~~may authorize the operator of a certified recycling center to be~~
17 ~~eligible to be paid, for a period of 24 months, a handling fee in an~~
18 ~~amount equivalent to 120 percent of the amount of the handling~~
19 ~~fee paid on January 1, 2011, if the certified recycling center is~~
20 ~~located in a convenience zone that has been unserved for at least~~
21 ~~six continuous months, and the convenience zone is identified by~~
22 ~~the department as an unserved convenience zone.~~